



1948.

File No. O/BCTLO/48

G BRANCH

Subject:— Opinion under the
Bombay Charcoal Trade
Licensing Order, 1944.

P-2
/6

File No.

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Gen. 194 e.

G/7/48

C O N T E N T S.

Legal Department File No. O. B.C.T.L.O. /48

Cr.No.	R.	I.	/	O.	No.	Subject	Pages .
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Opinions under the Bombay Charcoal
Trade Licensing order, 1944.

13009
16-12-1947.

Whether it would be legally feasible
to ask a licensee to enter into an
agreement with Govt-which would
provide for the making of a deposit
and its for-faifure in case of default
of any at the provisions of the
licensing orders.

1-2.

V.V.K. 10/7/56/

5C.

NKS
13/7

RHB
15/7

Office of the R.L.A.

"The insertion of a clause requiring a licensee under the Bombay Charcoal Trade Licensing Order, 1944 or the Bombay Firewood Trade Licensing Order, 1944 to deposit a certain amount in cash or any security to Government which should be liable to forfeiture in certain events would in effect be a penalty which is not warranted by the Bombay Essential Commodities and Cattle (Control) Act, 1946 and would, as such, be ultra-vires of the Act. The proposed course of taking an agreement from a licensee would, therefore, be illegal (See R.L.A.'s opinion No. 1148 dated 3-2-1947). If such bonds are necessary more for the purpose of a show of coercive pressure than for taking any action upon them, they may be taken only on informal basis (See R.L.A.'s opinion No. 9077 dated 10-9-1946)."

Id/- P.M.L.
dt/- 15/12/

Remembrancer of Legal Affairs.

U.R. to C.S.D. No . 13009 dated the 16th Dec- 1947.

V.V.K. 10/7/56/